

IN THE CIRCUIT COURT FOR SEVIER COUNTY, TENNESSEE
AT SEVIERVILLE

DEBRA CATLETT

2159 Walnut Grove Road
Sevierville, Tennessee 37876

Plaintiff,

v.

NO. 2008-0271-IV

JURY DEMANDED

**ALLSTATE PROPERTY AND
CASUALTY INSURANCE COMPANY**

800 S. Gay Street, Suite 2021
c/o CT Corporation
Knoxville, Tennessee 37929

Defendant.

CIRCUIT COURT
FILED <u>3:48</u> PM
HOUR
APR 25 2008
RITA D. ELLISON, CLERK SEVIER COUNTY, TN

COMPLAINT

Comes now the Plaintiff, **DEBRA CATLETT**, by and through her attorney, and sues the Defendant and for cause of action avers:

1. The names and addresses of the parties are as set out in the caption and they are otherwise *sui juris*.
2. The Defendant, through its lawful agent, entered into an insurance contract with the Plaintiff, who paid valuable consideration for said contract in the amount of \$2,012.30; insurance policy number 9 35 863552, to insure the Plaintiff's house and contents located at 2159 Walnut Grove Road, Sevierville,

Tennessee, 37876, for a period of one (1) year, from June 8, 2006 to June 8, 2007, copy of Policy Declarations is hereby attached,

3. That Plaintiff had a fire loss on August 17, 2006, which completely destroyed her home and its contents.

4. That Plaintiff gave Defendant notice of said loss; filed a claim and provided the Defendant documents and information as requested; made herself available for inquiries and depositions under oath, by last letter dated May 29, 2007, to the Defendant advising that Plaintiff was available for further examination under oath at their request, with attached documents requested by Defendant.

5. The Defendant honored a portion of Plaintiff's claim by paying additional living expenses at the rate of \$1,000.00 per month, beginning in August of 2006 with the last payment being made in May of 2007.

6. The Defendant denied receiving the letter from Plaintiff dated May 29, 2007, with the documents attached, as requested by the Defendant, and denied the Plaintiff's claim by letter dated June 4, 2007, to Plaintiff.

7. Plaintiff further avers that she has been in full compliance with the terms and conditions of the insurance policy; that she provided the requested information; that she was examined under oath by Defendant, and made herself available for further discovery by the Defendant, notwithstanding the Defendant has made no request to take further depositions of Plaintiff under oath and denied Plaintiff's claim.

8. Plaintiff further avers her claim has been filed; demand for payment has been made and denied by Defendant, who is guilty of bad faith, as provided by law of the State of Tennessee.

9. Plaintiff is entitled to judgment against Defendant for breach of contract, penalties, prejudgment interest, and reasonable attorney fees, and cost of the cause, as provided by law.

WHEREFOR, Plaintiff demands a judgment against the Defendant for fifty-thousand dollars (\$50,000.00), prejudgment interest, penalties, attorney fees, costs of the cause, and demands a jury try the issues joined.

RESPECTFULLY SUBMITTED THIS ____ DAY OF APRIL, 2008.


DEBRA CATLETT/ Plaintiff


COST BOND

We, the undersigned, do hereby acknowledge ourselves as Principal and Surety, are held and firmly bound unto the Circuit Court of Sevier County, Tennessee, for the payment of all costs awarded against the principal(s). To that end, we bind heirs, our executors, administrators, and ourselves.

The Principal is commencing legal proceedings in the Circuit Court of Sevier County, Tennessee.

If the Principal(s) shall pay all costs, which are adjudged against them, then this obligation is void. If the principal(s) fail to pay then the surety shall undertake to pay costs adjudged against the Principal(s). Mandated T.C.A. 20-12-120, et seq.


Principal, Debra Catlett


Surety Jerry K. Galyon

2159 Walnut Grove Rd
Street Address

119 Court Avenue
Street Address

Sevierville, TN 37876
City State Zip Code

Sevierville, TN 37862
City State Zip Code

SUMMONS IN CIVIL ACTION - CIRCUIT COURT

STATE OF TENNESSEE
Circuit Court of Sevier County
AT SEVIERVILLE

**SUMMONS
CIVIL ACTION**

DEBRA CATLETT
Plaintiff

NO. 2008-0271-IV

VS.

ALLSTATE PROPERTY & CASUALTY INSURANCE CO.
C/O COMMISSIONER OF INSURANCE
NASHVILLE, TN 37243

CIRCUIT COURT FILED <u>3:48 PM</u> HOUR APR 25 2008 RITA D. ELLISON, CLERK SEVIER COUNTY, TN

To the above named Defendant(s): ALLSTATE PROPERTY & CASUALTY INS. CO.
You are hereby summoned and required to serve upon JERRY K. GALYON
plaintiff's attorney, whose address is 119 COURT AVENUE, SEVIERVILLE, TN 37862
and answer to the complaint which is herewith served upon you within (30) days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken
against you for the relief demanded in the complaint.

Witness, RITA D. ELLISON, Clerk of said court, at office the 25 day of April
A.D., 2008, at 3:48 o'clock P.M.

Rita D. Ellison, Clerk
By: Devenly Webb
Deputy Clerk

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary, however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer, (T.C.A., §26-2-114.)

Received this _____ day of _____ Deputy Sheriff
(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure.)

RETURN ON SERVICE OF SUMMONS

I hereby certify and return, that on the _____ day of _____, I
served this summons together with the complaint herein as follows:

Sheriff-Deputy Sheriff



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-1131

May 01, 2008

Allstate Property & Casualty Ins Co.
800 S. Gay Street, Ste 2021, % C T Corp.
Knoxville, TN 37929-9710
NAIC # 17230

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7007 2680 0001 2097 9053
Cashier # 2888

Re: Debra Catlett V. Allstate Property & Casualty Ins Co.

Docket # 2008-0271-I V

To Whom It May Concern:

We are enclosing herewith a document that has been served on this department on your behalf in connection with the above-styled matter.

I hereby make oath that the attached Breach Of Contract Complaint was served on me on April 30, 2008 by Debra Catlett pursuant to Tenn. Code Ann. § 56-2-504 or § 56-2-506. A copy of this document is being sent to the Circuit Court of Sevier County, TN.

Brenda C. Meade
Designated Agent
Service of Process

Enclosures

cc: Circuit Court Clerk
Sevier County
125 Court Avenue, Ste 204E
Sevierville, Tn 37862

6341706-182

JLU No. 5610

CT CORPORATION

A WaltersKluwer Company

**Service of Process
Transmittal**

05/05/2008

CT Log Number 513389084



TO: Kim Turner
Allstate Insurance Company - Nashville MCO
555 Marriott Drive, Suite 850
Nashville, TN 37214

RE: Process Served in Tennessee

FOR: ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY (Domestic State: IL)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Debra Catlett, Plf. vs. Allstate Property & Casualty Insurance Company, Off.
DOCUMENT(S) SERVED: Letter, Summons, Complaint, Cost Bond, Attachments
COURT/AGENCY: Sevier County Circuit Court, TN
Case # 20080271IV
NATURE OF ACTION: Insurance Litigation - Policy benefits claimed for a fire the destroyed her home and all it's contents - 08/17/05
ON WHOM PROCESS WAS SERVED: C T Corporation System, Knoxville, TN
DATE AND HOUR OF SERVICE: By Certified Mail on 05/05/2008 postmarked on 05/01/2008
APPEARANCE OR ANSWER DUE: Within 30 days after ss vice of the summons, exclusive of the date of service
ATTORNEY(S) / SENDER(S): Jerry K. Galyon
119 Court Avenue
Sevierville, TN 37862
REMARKS: Process served/received by the Insurance Commissioner on 04/30/08, and mailed to CT Corporation System on 05/05/08.
ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex Priority Overnight, 790007449872
Email Notification, Patti Gariti pgarqi@allstate.com
SIGNED: C T Corporation System
ADDRESS: 800 S. Gay Street
Suite 0221
Knoxville, TN 37929-9710
TELEPHONE: 865-342-3522

RECEIVED
MAY 06 2008

Page 1 of 1 / BC

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.